



## OFFICE OF THE CITY ATTORNEY

MAYOR: David H. Bieter | BOISE CITY ATTORNEY: Jayme Sullivan

# MEMO

**TO:** Mayor & City Councilmembers  
**FROM:** Elizabeth Koeckeritz, Senior Attorney  
**CC:** Jade Riley, Admin. Assistant to the Mayor  
Jayme Sullivan, City Attorney  
**DATE:** 06/21/2019  
**RE:** Library and Stadium Draft Alternatives Ordinances

Due to concerns with the viability of the initiatives proposed by Boise Working Together (BWT), Council Pro Tem Clegg has requested and leadership agreed to ask staff to draft proposed alternative ordinances for discussion. These proposed ordinances are still in draft form, but represent a first attempt in distilling the essence of the BWT initiatives in a format that is more likely to survive a legal challenge. Concerns remain regarding special city elections.

This item is being placed on the agenda for the public and Council to review, but staff requests no action be taken on these items at this time.

**1-9-1: CONDUCT OF MUNICIPAL ELECTIONS:**  
**1-9-2: QUALIFICATIONS FOR CITYWIDE OFFICE:**  
**1-9-3: MAYOR:**  
**1-9-4: CITY COUNCIL:**  
**1-9-5: SPECIAL CITY QUESTION ELECTIONS:**

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**1-9-1: CONDUCT OF MUNICIPAL ELECTIONS:**

All Municipal elections shall be conducted pursuant to Idaho Code title 34, chapter 14, except as modified by the specific provisions of Idaho Code title 50, chapter 4. State Code shall control if any requirement or provision of this chapter conflicts with, or is preempted by, Idaho Code. (Ord. 52-13, 1-7-2014)

**1-9-2: QUALIFICATIONS FOR CITYWIDE OFFICE:**

- A. Qualified Elector: Every candidate for Citywide office shall be a qualified elector of the City.
- B. Mayor: Every candidate for the Office of Mayor shall have the qualifications required by Idaho Code section 50-601.
- C. City Council: Every candidate for a City Council seat shall have the qualifications required by Idaho Code section 50-702. (Ord. 52-13, 1-7-2014)

**1-9-3: MAYOR:**

- A. Elected By Majority: The Mayor of the City shall be elected by a majority of the votes cast for any candidate running for the Office of Mayor.
- B. Runoff Election: In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast.
- C. Conduct Of Runoff Election: If necessary, the runoff election shall be conducted pursuant to Idaho Code section 50-612. (Ord. 52-13, 1-7-2014)

**1-9-4: CITY COUNCIL:**

- A. Membership: The City shall have a City Council composed of six (6) members.
- B. Election By Designated Seats: The election of City Council members shall be by designated seats, pursuant to Idaho Code section 50-707, as numbered by the City Clerk.
- C. Term: Election to a City Council seat shall be for a term of four (4) years.
- D. Number Of Seats During Biennial Election: During the biennial general Municipal elections, three (3) of the six (6) City Council seats shall be up for election.

- E. Filing For Designated Seat: Candidates for City Council seats shall file for a designated seat, in the manner prescribed by Idaho Code.
- F. Elected By Plurality Of Votes: A candidate running for a designated City Council seat shall be elected by a plurality (the greatest number) of the votes cast. (Ord. 52-13, 1-7-2014)

**1-9-5: SPECIAL CITY QUESTION ELECTIONS:**

- A. Legal Authority: Idaho Code sections 50-301, 50-302, and 50-405 authorize the City to place special city elections on the ballot.
- B. Purpose: The purpose of a Special City Question election is to provide an opportunity for greater public involvement in the City's decision-making process by allowing qualified voters to provide input and guidance to the Mayor and City Council on issues of City-wide concern or as otherwise authorized law.
- C. Scope: This section sets forth the standards and procedures applicable to Special City Question Elections.
- D. Special City Question – Defined: A Special City Question is question asking for voter input and guidance concerning an issue of City-wide concern or as otherwise authorized by law.
- E. Request of Special City Questions: Any qualified voter residing within the City's limits, the Mayor or any City Councilmember may provide a written request to the City Council proposing a Special City Question.
- F. Resolution Adopting City Question: Within thirty (30) days of receipt of a request for a Special City Question, or by its own originating action, the City Council may adopt by resolution a Special City Question for placement on a ballot.
- F. Placement on Ballot: Upon adoption of such resolution, the City shall forward the Special City Question to the Ada County Clerk's Office for placement on a ballot in accordance with the election procedures set forth by Idaho Code.

## **ARTICLE G. CITY CAPITAL PROJECTS**

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### **1-12G-1: STATEMENT OF PURPOSE:**

### **1-12G-2: DEFINITIONS:**

### **1-12G-3: PUBLIC HEARING REQUIREMENT ON CERTAIN CAPITAL PROJECTS:**

### **1-12G-4: REFERENCE FOR SPECIAL CITY QUESTION ELECTION:**

### **1-12G-1: STATEMENT OF PURPOSE:**

In order to promote greater public involvement and inform citizens, and to better inform City decision-making, a public hearing shall be held on certain eligible City capital projects as set forth in this article.

### **1-12G-2: DEFINITIONS:**

The following definitions are applicable to this article:

- A. Capital Project means a City-funded project that helps maintain or improve a City asset, including but not limited to, construction, expansion, renovation, or replacement of a City facility, purchase of major equipment, or a major maintenance or rehabilitation project of an existing City facility.
- B. Eligible Capital Project means any Capital Project where the City is reasonably expected to expend twenty-five million dollars (\$25,000,000) or more in City general funds.
- C. General Fund means general, unrestricted revenues of the City or revenues that are not restricted to any specific purpose, including taxes.

### **1-12G-3: PUBLIC HEARING REQUIREMENT ON CERTAIN CAPITAL PROJECTS:**

Public Hearing Required on Eligible Capital Projects. The City Council shall hold a public hearing on all Eligible Capital Projects. The public hearing on an Eligible Capital Project shall be held, at minimum, sixty (60) days prior to the City's annual budget hearing.

### **1-12G-4: NOTICE:**

Public notice for all Eligible Capital Projects Public Hearings must be published in the City's newspaper of record a minimum of fourteen (14) calendar days prior to the hearing. The Notice shall provide a description of the Eligible Capital Project and its estimated cost, and shall provide that plans and schematics more fully describing the Eligible Capital Project are available for the public's review in the Office of the City Clerk and on the City's website.

### **1-12G-5: REQUEST FOR SPECIAL CITY QUESTION ELECTION:**

Any qualified voter dissatisfied with the outcome of a public hearing on Eligible Capital Projects may request that the City Council take the matter up as a Special City Question for placement on a ballot and a public vote.

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